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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

1 BRAINWAVE SCIENCE, INC.,

2 Civil Action No.: 21-cv-4402 (BMC - RLM)

3 Plaintiff,

4 vs.
5 ARSHEE, INC., DR. LAWRENCE A. FARWELL
6 DR. THIERRY MAISON AND
7 BRAINFINGERPRINTING FOUNDATION,

8 Statement of defendant Dr. Thierry Maison regarding
9 exhibit provided by plaintiff

10 Defendant

11 Dr. Thierry Maison, being duly sworn, deposed and says as follows:

12 1) I am a Defendant in the above action.

13 2) This declaration is made primarily to rebut and respond to dispute some of the exhibit facts made by
14 Krishna Ika in support of BWS's motion.

15 3) I am not employed or renumerated by Dr. Lawrence Farwell or the Brain Fingerprinting Foundation.

16 4) This document includes many technical terms that may not be familiar to the reader. To help the
17 comprehension of this document, those technical terms are described in the Terminology appendix of this
18 document.

19 Brainwave Science Exhibit D

20 Brainwave Science presented us with two exhibits that contradict each other (exhibit B and exhibit D). We
21 believe that exhibit D is manipulated and fabricated to influence the case and therefore a fraudulent fact. The first
22 issue version of exhibit B was provided to me in a litigation hold letter on June 22, 2021.

23 Exhibit B is created using two photos, the Brainwave Science application shown with a blue background,
24 and the Farwell application shown with a green background. Exhibit D is a computer-generated document trying to
25 show the similitude of the applications with Brainwave Science fabricated views spousing the same color
26 background as the Farwell application. On June 29, 2021, I provided Mr. Tomkins with the entire source code from
27 the Farwell application to prove that the proprietary portion of the software was not duplicated. This source code
28 was used by Brainwave Science to fabricate exhibit D.

Statement of defendant Dr. Thierry Maison regarding exhibit provided by plaintiff - 1

1 May I request that Brainwave Science be forced to provide proof that their software did exist before June
2 29, 2021, with a green background? This proof must include **Visual Studio** access to the files that create the visual
3 interface (**XAML** files) with a review of the **TFS** change history of those files. Brainwave Science is using an on-
4 premises **TFS** server. AND a validation of the application installer program analyzed for **digital signature**,
5 **modified** and **creation** date, and installed to verify the background color. The **digital certificate** used for **code-**
6 **signing** is provided by DigiCert (a Microsoft-approved code-signing certificate vendor) and is **timestamped** with
7 web time service. Any failure of providing a functioning application with a green background properly traceable to
8 Brainwave Science development environment (TFS), properly dated before June 29, 2021, with a digital signature
9 will conclude that exhibit D was fabricated and fraudulent.

10 **CodeQuiry exhibit C from Brainwave Science**

11 Additionally, we are questioning the exactitude of the CodeQuiry comparison. What was presented to the
12 tool was all the common and open software portion only, but proprietary sections like the:

13

- 14 • EEG headset interface, the EEG capture software [Brainwave Cognionics directory, Brainwave
Quick directory],
- 15 • the licensing module [proprietary to Brainwave Science],
- 16 • and additional file directories like Interactive Data Display were conveniently omitted.

17 If the differences have been omitted, of course, the result will yield a very high number, but the result is not
18 true. Any statistical application like CodeQuiry can be manipulated to obtain the desired result. And exhibit C from
19 Brainwave Science is a perfect example of such manipulation.

20
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22
23
24 Dated this 30 of August 30, 2022



25
26 Thierry Maison

1 Terminology 2

3 **Visual Studio** - Visual Studio Community is a free Integrated Development Environment (IDE) provided
4 by Microsoft. It provides a platform for editing source code, **compiling** source code into binary objects, and
5 assembling those object files into executables that will run your application. In a multiple developer environment,
6 Visual Studio can connect to a Source Code Control (SCC) for managing the team development.

7 **Compiling** – is a software development term describing the transformation of software source code into a
8 binary form that can be later assembled into a software executable.

9 **Executable** – is the final form of a computer program that is ready for execution in the Microsoft Windows
10 environment. It's usually a file with the filename extension of .exe. May other files are packaged with the
11 executable, they are DLLs

12 **Dynamic Linked Libraries DLL** - are binary files with ready-to-run programs. DLLs are either created
13 by Visual Studio to share a common portion of the program or provided by other projects like open software
14 projects.

15 **XAML** – (eXtensible Application Markup Language) is a specific computer language for the creation of
16 application user interface. The XAML language includes all the widgets like buttons, lists, etc. necessary for the
17 view creation.

18 **Digital Signature** – Digital signatures are created using a Digital Certificate and an encoded portion of the
19 application is signed. It is used by Microsoft when starting an application to verify that the author of the application
20 is a legitimate software creator. During the application of a digital signature, the code signing application will
21 contact an NTP server to acquire an accurate timestamp for the signature.

22 **Digital Certificate** – a digital certificate is issued to an individual or enterprise after that individual or
23 enterprise is completely vetted as a legitimate developer. The vetting process includes physical contact with the
24 developer, the business is validated for existence, and proper registration with a State for doing business.

25 **Code Signing** - As a security practice, Microsoft requires that any executables be digitally signed with a
26 digital certificate traceable to a Microsoft-approved Certificate Authority with a Network Time Protocol (NTP)
27 timestamp.

1 **Modified** and **Creation** dates: During the development process and for any files created by a computer
2 environment, the creation date of the files is recorded as part of the file format. This is identical to any modification
3 of the file.

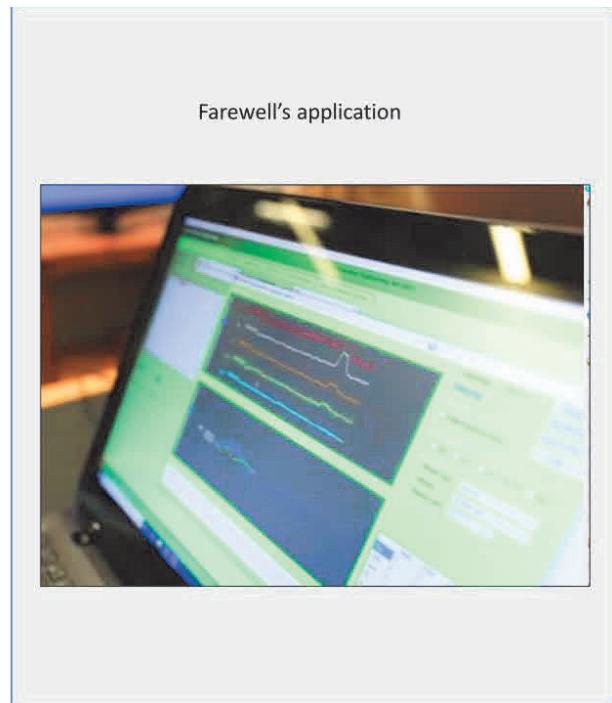
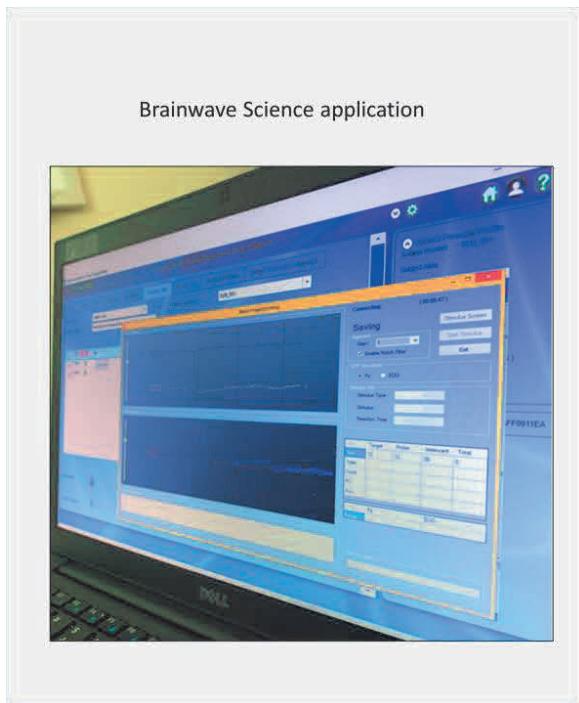
4 **Team Foundation Server (TFS)** - TFS is a free Microsoft-provided server application source code control
5 for an on-premises environment. Today Microsoft has replaced the on-premises server within the computer cloud
6 equivalent called DevOps. The service is free for a team comprising 5 or fewer developers. It is subscription-based
7 for a larger team.

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Brainwave Science v. Arshee et al

21-cv-4402 (BMC)

Exhibit B to Affidavit of Krishna Ika



Brainwave Science v. Arshee et al

21-cv-4402 (BMC)

Exhibit D to Affidavit of Krishna Ika

This Document lists the screen shots taken from

Brainwave Science's Proprietary iCognative Applications
(Left side under the Brainwave Science's Application as a Heading)

And

Larry Farwell's NeuroDyne Application
(Right side under the Larry Farwell's Application as a Heading)

Side by side

Selected All Show Active Show Inactive

Case Manager

Case Number	Case Name	Case Summary	User	Last Modified Date
BWS-060-039199	Cell phone 1	Case Summary	 R	06/03/2021 11:11:37
BWS-02062017	US Famous People Picture Stimuli	US Famous People Picture Stimuli	 R	06/25/2021 15:45:59

Page:   1   of 1 Record 1 to 2 of 2

Dashboard

Brain Fingerprinting, LLC - Farwell Brain Fingerprinting

Farwell Brain Fingerprinting

Case Manager Add/Edit Case

Case Basic Details

Case	Subject	Field	Protocol	Test Setup	Conduct Test	Replay Test	Perform Analysis	Subject Identification Language
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Case Notes

06/03/2021 11:11:37 PM Case Notes

Case Relevant Documents

Case Summary

Case Summary

Case Add/Edit

Brainwave Science's Application

Case Manager

Case Number Case Name Case Summary Case Last Modified Date

Case Number	Case Name	Case Summary	Case Last Modified Date
XB0US0R001C001	Gold Brick Smuggling Case	Gold Brick Smuggling Case - 8 Suspects	06/06/2021 13:23:11
Case # 01/2020/16	US Famous People Picture present	1	06/06/2021 13:10:00
Case # 02/2020/16	US Famous People	1	06/06/2021 13:10:00
Case # 03/2020/16	KIASS-SAPRESENT	1	06/06/2021 09:42:57
abs	XBC0US0R001H4P0N03	1	06/06/2021 13:31:39
	XBC0US0R001H4P0N03	Murder Case - 5 Suspects in Custody	06/06/2021 13:26:24
	XBC0US0R001H4P0N03	Theft Case - 1 Suspect	06/06/2021 12:11:58
	XBC0US0R001H4P0N03	TestProtocol Test	06/06/2021 09:31:18
	XBC0US0R001H4P0N03	Missing Woman Case - 1 Suspect	06/06/2021 14:35:35
	XBC0US0R001H4P0N03	Murder Case - 2 Suspects	06/06/2021 11:07:20
	XBC0US0R001H4P0N03	Student Missing Case - 2 Suspects-Terrorist	06/06/2021 10:57:15
	XBC0US0R001H4P0N03	Group	06/06/2021 10:57:15

Page ▲ ▼ 1 ▲ ▼ of 7 Record 1 to 10 of 67 10 ▶

Dashboard

RajVerma(BNSREGULARUSER) - Application Expires On: 8 Test License Count: N/A & N/A

Case Manager Add/Edit Case

Case Basic Details ✓ Active

Case	Subject	Fact	Protocol	Test Setup	Conduct Test	Perform Analysis	Reply Test	Subject Instruction Language
Case Number	XBC0US0R001C001							
Case Name	Gold Brick Smuggling Case							

Case Relevant Documents

Case Summary

Gold Brick Smuggling Case - 8 Suspects

Case Add/Edit

RAjVerma(BNSREGULARUSER) - Application Expires On: 8 Test license Count: N/A & N/A

Brainwave Science's Application

Larry Farwell's Application

Subject Manager

2021_Famous_People (2021_Famous_People)

Case	Subject	Fact	Protocol	Test Setup	Conduct Test	Replay Test	Perform Analysis	Subject Instruction Language
<input type="button" value="SUB_001"/>	John							

Page: 10 | Record 1 of 10

Subject Manager

2021_Famous_People (2021_Famous_People)

Subject Number	First Name	Last Name	Date Of Birth	Subject Photo
<input type="button" value="SUB_001"/>	John			

Page: 10 | Record 1 of 10

Subject Manager

2021_Famous_People (2021_Famous_People)

Case	Subject	Fact	Protocol	Test Setup	Conduct Test	Replay Test	Perform Analysis	Subject Instruction Language
<input type="button" value="SUB_001"/>	John							

Page: 10 | Record 1 of 10

Subject Manager

2021_Famous_People (2021_Famous_People)

Case	Subject	Fact	Protocol	Test Setup	Conduct Test	Replay Test	Perform Analysis	Subject Instruction Language
<input type="button" value="SUB_001"/>	John							

Page: 10 | Record 1 of 10

Subject Manager

2021_Famous_People (2021_Famous_People)

Case	Subject	Fact	Protocol	Test Setup	Conduct Test	Replay Test	Perform Analysis	Subject Instruction Language
<input type="button" value="SUB_001"/>	John							

Page: 10 | Record 1 of 10

Subject Manager

2021_Famous_People (2021_Famous_People)

Case	Subject	Fact	Protocol	Test Setup	Conduct Test	Replay Test	Perform Analysis	Subject Instruction Language
<input type="button" value="SUB_001"/>	John							

Page: 10 | Record 1 of 10

Subject Manager

2021_Famous_People (2021_Famous_People)

Case	Subject	Fact	Protocol	Test Setup	Conduct Test	Replay Test	Perform Analysis	Subject Instruction Language
<input type="button" value="SUB_001"/>	John							

Page: 10 | Record 1 of 10

Subject Manager

2021_Famous_People (2021_Famous_People)

Case	Subject	Fact	Protocol	Test Setup	Conduct Test	Replay Test	Perform Analysis	Subject Instruction Language
<input type="button" value="SUB_001"/>	John							

Page: 10 | Record 1 of 10

Subject Add/Edit

Subject Add/Edit

Brainwave Science's Application

KAHS-R/UP/PRESENT (a/s)

Cognitive

Case Subject Fact Protocol Test Setup Conduct Test Replay Test Perform Analysis Subject Instruction Language

Modality Type: Test Case Fact Type: Select... Probe Count: 2 Target Count: 2

Page ▲ ▼ 1 of 1 Record 1 to 4 of 4 10 >

Case Fact Type	Case Fact Description	Case Fact	Case Fact Description	Case Fact	
Irrelevant 1	Irrelevant 2	Irrelevant 1	Irrelevant 2	Irrelevant 1	
Names of your Brother	Rajesh	Names of your Brother	Rajesh	Names of your Brother	Rajesh
Names of your Sister	Neha	Names of your Sister	Neha	Names of your Sister	Neha
Names of your Father	Shrawan	Names of your Father	Shrawan	Names of your Father	Shrawan
Names of your Mother	Kriti	Names of your Mother	Kriti	Names of your Mother	Kriti
Names of your Uncle	Pratik	Names of your Uncle	Pratik	Names of your Uncle	Pratik
Names of your Aunt	Paromita	Names of your Aunt	Paromita	Names of your Aunt	Paromita
Names of your Niece	Saranya	Names of your Niece	Saranya	Names of your Niece	Saranya
Names of your Nephew	Pranav	Names of your Nephew	Pranav	Names of your Nephew	Pranav

RayVeenan(BVSREGULARUSER) - Application Expires On: & Test License Count:N/A & N/A

Fact Manager

KAHS-R/UP/PRESENT (a/s)

Cognitive

Case Manager - Add / Edit

Case Fact Type: Target Case Fact Description: The City in Karnataka you studied

Case Fact Details

Case Case Number: 805 Case Fact Type: Target Case Fact Description: The City in Karnataka you studied

Case Fact Modality Type: Test Case Fact: Mycore

Irrelevant 1 Case Fact: Roja

Irrelevant 2 Case Fact: Neha

Case Fact Status: Notes

Notes

RayVeenan(BVSREGULARUSER) - Application Expires On: & Test License Count:N/A & N/A

Subject Add/Edit

Larry Farwell's Application

Cell phone 1 (BWS-CEO-09/99)

Farwell Brain Fingerprinting

Case Subject Fact Protocol Test Setup Test Mode Test Case Fact Type: Select... Probe Count: 8 Target Count: 9

Page ▲ ▼ 1 of 2 Record 1 to 18 10 >

Case Fact Type	Case Fact Description	Case Fact	Case Fact Description	Case Fact
Irrelevant 1	Billing number displayed when entered to office ten times	257	Irrelevant 2	093
Irrelevant 1	The location of office	Grove Contra Costa	Irrelevant 2	Under The Seat
Irrelevant 1	Investigator of brain fingerprinting	Larry Farwell	Irrelevant 2	Thia Chin
Irrelevant 1	Investigator of brain fingerprinting	Anna May Wong	Irrelevant 2	Bik Cyc
Irrelevant 1	Investigator of brain fingerprinting	Street	Irrelevant 2	Backyard
Irrelevant 1	Where is the office between highway and office building	Highway	Irrelevant 2	2nd Ave
Irrelevant 1	Colleague who works with Harold	Li Biogard	Irrelevant 2	Lathe
Irrelevant 1	Harold's office address	Scan Card	Irrelevant 2	Hammer
Irrelevant 1	Harold's company name	Brainwave Science	Irrelevant 2	ID Services Inc.
Irrelevant 1	On Which side of car	2nd Floor	Irrelevant 2	12th Floor
Irrelevant 1	When side of the car door opened to make the phone	Passenger Side	Irrelevant 2	SUV Door

Page ▲ ▼ 1 of 2 Record 1 to 18 10 >

Case Fact Details

Case Case Number: BWS-CEO-09/99 Case Fact Type: Target Case Fact Description: Inventor of Brain Fingerprinting Mode: Case Fact: Larry Farwell

Irrelevant 1 Case Fact: Anna May Wong

Irrelevant 2 Case Fact: Thia Chin

Case Fact Status: Notes

Notes

Subject Add/Edit

Brainwave Science's Application

The screenshot displays the Brain Fingerprinting software interface, specifically the Test Protocol Manager and a list of sets.

Test Protocol Manager:

- Protocol Name:** Fairwell Brain Fingerprinting
- Mode:** Test
- Setup Type:** pseudorandom
- Perform Test:**
- Perform Analysis:**
- Subject Instruction Language:** English
- Record 1 to 1 of 1**
- Page:** 1 of 1

List of Sets:

- Group:** (None)
- Location from where iPhone was stolen:** Conference Room
- Cafeteria**
- Lobby**
- Where is the office machine located in the office:** Kitchen, Front Office, Cubical

Test Protocol Add/Edit

Larry Farwell's Application

The screenshot displays the Brain Fingerprinting software interface, specifically the Test Protocol Manager and a list of sets.

Test Protocol Manager:

- Protocol Name:** Fairwell Brain Fingerprinting
- Mode:** Test
- Setup Type:** pseudorandom
- Perform Test:**
- Perform Analysis:**
- Subject Instruction Language:** English
- Record 1 to 1 of 1**
- Page:** 1 of 1

List of Sets:

- Group:** (None)
- Location from where iPhone was stolen:** Conference Room
- Cafeteria**
- Lobby**
- Where is the office machine located in the office:** Kitchen, Front Office, Cubical

Test Protocol Add/Edit

Brainwave Science's Application

Larry Farwell's Application

Cell phone 1 (BNS-OEC-09199)

Farwell Brain Fingerprinting

Case	Subject	Fact	Protocol	Test Setup	Context Test	Replay Test	Perform Analysis	Subject Instruction Language
<input type="checkbox"/>	Test Setup Name	Test Setup Type	Subject Name	Test Protocol Name	Subject Name	Test Protocol Name	Test Protocol	Select All
<input type="checkbox"/>	Test Set Up	Person of Interest	First Name: Last Name	TestProtocol_212796	First Name: Last Name	TestProtocol		
<input type="checkbox"/>	Actions	Person of Interest		TestProtocol_212796				
<input type="checkbox"/>	Log	Person of Interest		TestProtocol_212796				

Page: 1 2 3 4 5 6 7 8 9 10

Record 1 to 1 of 1

Cell phone 1 (BNS-OEC-09199)

Test Set-up Manager

Test Setup Name	Test Setup Type	Subject Name	Test Protocol Name	Test Protocol	Notes
Test Set Up	personofinterest	First Name: Last Name	TestProtocol_212796	TestProtocol	

Page: 1 2 3 4 5 6 7 8 9 10

Record 1 to 1 of 1

Test Set-up Add/Edit

RajVerma(BNS/REGULARUSER) - Application Expires On: 8/31/2022 Test License Count:1/1000 & N/A

Test Set-up Add/Edit

Cell phone 1 (BNS-OEC-09199)

KIAB'S-RAJPRESENT (abs)

Case	Subject	Fact	Protocol	Test Setup	Conduct Test	Replay Test	Perform Analysis	Subject Instruction Language
<input type="checkbox"/>	Test Setup Name	Test Setup Type	Subject Name	Test Protocol Name	Test Protocol	Test Protocol	Test Protocol	Select All
<input type="checkbox"/>	Test Set Up	Person of Interest	First Name: Last Name	TestProtocol_212796	TestProtocol_212796	TestProtocol_212796	TestProtocol_212796	
<input type="checkbox"/>	Actions	Person of Interest		TestProtocol_212796				
<input type="checkbox"/>	Log	Person of Interest		TestProtocol_212796				

Page: 1 2 3 4 5 6 7 8 9 10

Record 1 to 2 of 2

Cell phone 1 (BNS-OEC-09199)

Test Set-up Manager

Test Setup Name	Test Setup Type	Subject Name	Test Protocol Name	Test Protocol	Notes
Test Set Up	personofinterest	First Name: Last Name	TestProtocol_212796	TestProtocol	

Page: 1 2 3 4 5 6 7 8 9 10

Record 1 to 2 of 2

RajVerma(BNS/REGULARUSER) - Application Expires On: 8/31/2022 Test License Count:1/1000 & N/A

Test Set-up Add/Edit

Brainwave Science's Application

Larry Farwell's Application

Replay test

Brainwave Science's Application

Larry Farwell's Application

Perform Analysis

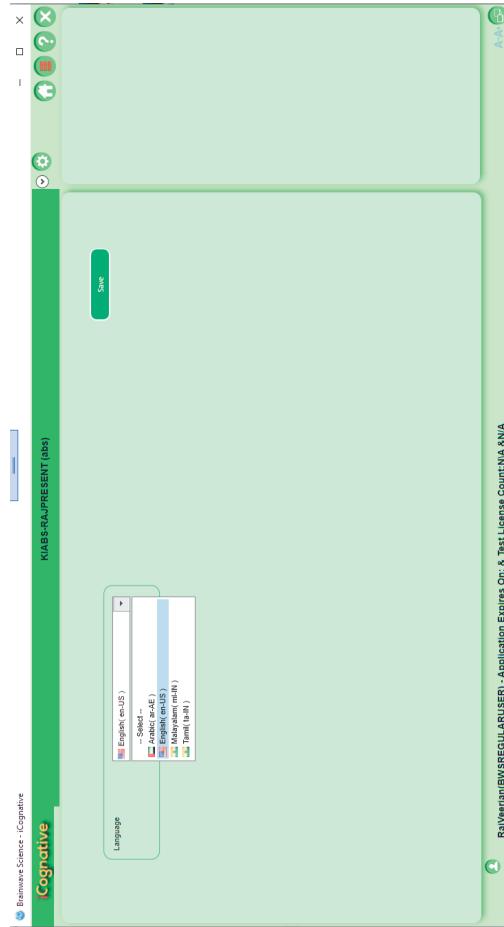
Perform Analysis

Subject Instruction Translator

Subject Instruct

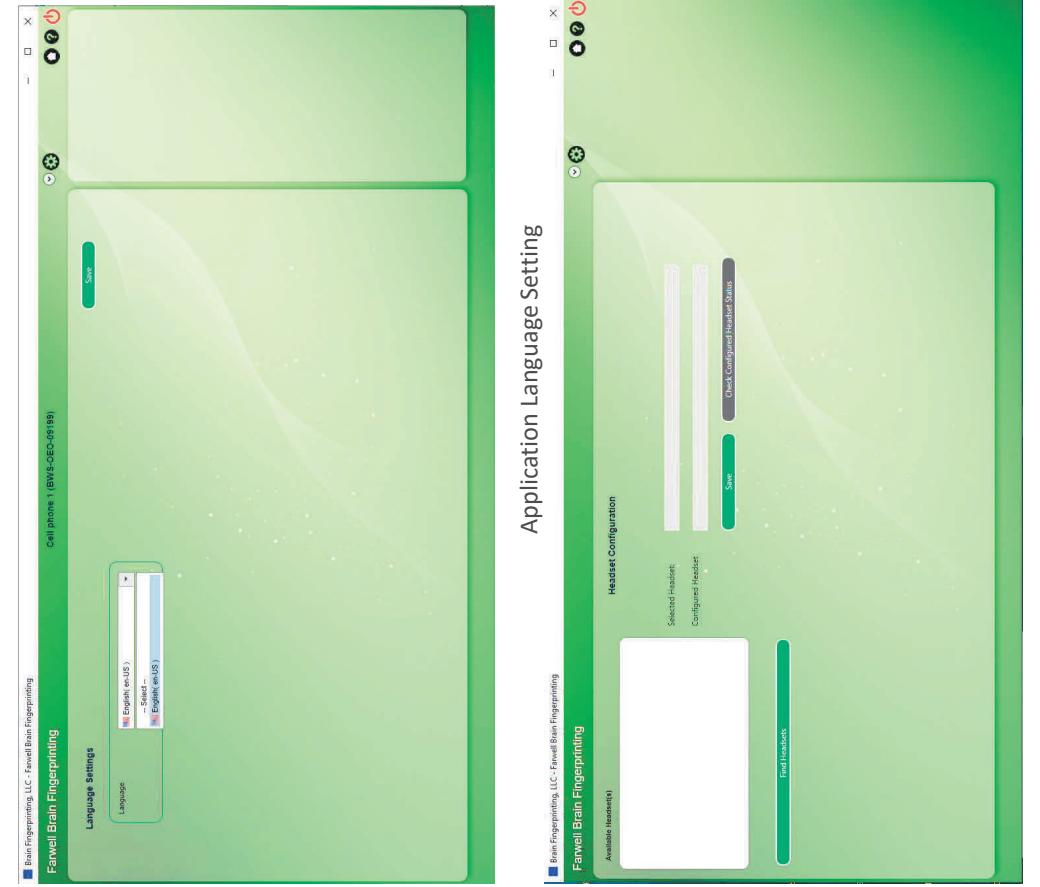
Subject Instruction Translator

Brainwave Science's Application



1 Ray@ean(BWSREGULARUSER) - Application Expires On: 8/ Test License Count:NA & N/A

Larry Farwell's Application



Headset Configuration

Headset Configuration



1 Ray@ean(BWSREGULARUSER) - Application Expires On: 8/ Test License Count:NA & N/A

Headset Configuration

Headset Configuration

Brainwave Science's Application

Larry Farwell's Application

About the application

Technical Support

About the application